

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE

KEVIN C. BRATHWAITE
PLAINTIFF

v.

CIVIL ACTION # 10-646-G.M.S

PERRY PHELPS, WARDEN
LINDA KEMP
LARRY SAVAGE ET-AL
Delaware Dept of Correction

AMENDMENT TO COMPLAINT

NOW COMES THE PLAINTIFF KEVIN C. BRATHWAITE, REQUESTING THAT THIS HONORABLE COURT ALLOW HIM TO AMEND THE ABOVE CAPTIONED COMPLAINT TO INCLUDE DEFENDANTS, LINDA KEMP AND LARRY SAVAGE, CLASSIFICATION PERSONNEL. AND THE DELAWARE DEPARTMENT OF CORRECTION.

TO SUPPORT THIS REQUEST, THIS PLAINTIFF OFFERS THE FOLLOWING:

1. CLASSIFICATION PERSONNEL, LINDA KEMP AND LARRY SAVAGE

is directly responsible for the duties to see that Kevin C-Brathwaite receive a fair and impartial classification annually. And that he receive a fair and impartial quality of life review every ninety (90) days and these defendants have neglected their duties on a routine basis.

2. The Department of Correction is directly responsible for overseeing the employees of the James T. Vaughn Correctional Center. And they neglected their duties on a routine basis.
3. Due to these defendants neglecting their duties, this Plaintiff has been denied his right to due process on a regular basis.

4. These defendants are being sued in their individual and official capacities as they were not performing their duties under the color of state law.
5. The defendants are as follows:

LINDA KEMP, "COUNSELOR"
J.T.V.C.C.
1181 Paddock Rd
Smyrna De.
19977

LARRY SAVAGE, LT.
J.T.V. C.C.
1181 Paddock Rd.
Smyrna De.
19977

DELAWARE DEPARTMENT of CORRECTIONS
245 MCKEE RD
DOVER DE.
19904

RELIEF SOUGHT

THIS PLAINTIFF REQUEST THE
FOLLOWING RELIEF:

1. That these defendants be ordered to pay one thousand dollars (\$1,000) per day that this plaintiff was illegally held in administrative segregation without proper due process and monthly status review.
2. That these defendants be ordered to pay one hundred thousand dollars (\$100,000) for undue hardship and deliberate indifference.
3. That these defendants be ordered to pay two hundred thousand dollars (\$200,000) in punitive damages.
4. That these defendants be ordered to pay any other relief that this court deems fit and proper.

